

AFFIDAVIT

I, Scott Murray, having been duly sworn, depose and state as follows:

INTRODUCTION

1. I am a special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed for approximately 21 years. Prior to working for the ATF, I worked as a police officer for the Phoenix, Arizona Police Department where I was employed for nearly five years. In my capacity as a special agent, I am familiar with the federal laws relating to federal firearms and controlled substance violations, have been trained in the investigation of violations of said laws, and have participated in such investigations.

2. This affidavit is based upon my training, experience, and investigation, as well as information that has been conveyed to me by other law enforcement officers. The following is either known to me personally or has been related to me by persons having direct knowledge of the events described below, including other law enforcement officers involved in this investigation. Since this complaint is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. Unless otherwise noted, descriptions of statements in this affidavit are in sum and substance rather than verbatim.

3. Probable cause exists to believe the following facts: In May 2022, Harley Davis provided false information to two federal firearms licensees in order to illicitly purchase three firearms for other individuals in violation of 18 U.S.C. § 922(a)(6). These firearms were acquired by means of a "straw-purchase," where Davis provided false information to a gun shop: namely, information representing that she was purchasing the firearms for herself and not for

another person. These firearms are alleged to have been purchased for subjects from Massachusetts temporarily in Vermont in order to sell crack cocaine.

#### PROBABLE CAUSE

4. In August of 2022, I was contacted by the ATF New England Crime Gun Center regarding a handgun purchased by Vermont resident Harley Davis on May 5, 2022, which was recovered by local police in Tiverton, Rhode Island just a few days later on May 8, 2022. On May 8, 2022, Tiverton Police contacted a male subject (referred to herein as "Target A") in a vehicle that had Massachusetts license plates along with a female occupant. Target A was found to have two felony arrest warrants and was taken into custody. Police located a Glock, model 43, 9mm semi-automatic pistol, serial number AGPF146 inside the car. Following the arrest of Target A, on May 11, 2022, Davis reported the Glock pistol as stolen to police in Vermont.

5. On August 25, 2022, I made contact with an employee at the Lost Nation Gun Shop in Swanton, Vermont, which is licensed by ATF as a federal firearms licensee. In the store records, I found two handgun purchases by Davis including the Glock, model 43 pistol she purchased on May 5, 2022 that had been recovered in Rhode Island, and another handgun purchase for a Glock, model 42, .380 caliber semi-automatic pistol, serial number AGAX929 on May 21, 2022. In connection with the May 21, 2022 purchase, Davis stated on the ATF firearm transaction form (ATF Form 4473) that she was not an unlawful user of controlled substances, she was the actual purchaser of the firearm, and she lived at a residence on Brosseau Road in Highgate, Vermont. The store employee also stated that Davis had come into the store together with another female who also purchased a handgun.

6. On September 27, 2022 I spoke to the other female regarding her purchase of a

handgun at the same time as Davis on May 5, 2022. The other female stated in the early part of 2022 she was regularly using powder cocaine. She further stated Davis at that time was a regular user of crack cocaine. The other female stated on May 5, 2022, she was at Davis' apartment on Main Street in Enosburg when Davis had asked her to straw-purchase a gun along with Davis because Davis stated, "they needed two different names." The other female went with Davis and two individuals who were in Vermont for the purpose of selling drugs to Lost Nation Gun Shop in Swanton, Vermont where she and Davis completed paperwork and purchased the two handguns.

7. I also followed up with nearby M&R Guns and Ammo in Highgate, Vermont regarding any firearms purchases by Davis and/or the other female. This gun shop is also licensed by ATF as a federal firearms licensee. The gun shop provided a record for a firearm purchase by Davis of a Glock, model 42, .380 semi-automatic pistol, serial # ABCP921 on May 21, 2022, the same day as the purchase of the other pistol by Davis at the Lost Nation Gun Shop. Based upon my training and experience I know it is common for individuals involved in criminal activity to purchase one gun at multiple gun shops because a gun shop is required under federal law to report to ATF if an individual purchases more than one handgun in a five-day period from their particular gun shop. Davis stated on the ATF firearm transaction form (ATF Form 4473) that she was not an unlawful user of controlled substances, she was the actual purchaser of the firearm and she lived at a residence on Brosseau Road in Highgate, Vermont.

8. On August 25, 2022, I attempted to locate Harley Davis at her listed address on Brosseau Road in Highgate regarding her purchase of the three firearms at the two gun shops. Upon making contact, I found Davis's grandfather and grandmother lived at the address. They

advised Harley had not lived there for several years. Her grandfather advised she lived in an upstairs apartment on Main Street in Enosburg.

9. I located Harley Davis at her apartment located at 261 Main Street in Enosburg where she stated she had been living for one- and one-half years. Davis agreed to voluntarily speak with me in my government vehicle parked in front of the residence. I advised Davis that if she provided untruthful information to me in relation to the investigation she would be charged with providing false information to a federal investigator. Davis stated she reported one of the firearms as stolen, which was the Glock model 43 pistol recovered in Tiverton, Rhode Island. Davis stated she had the other two Glock pistols she purchased at her grandparents' residence in Highgate, Vermont; as explained below, this statement turned out to be false. I advised her I would want to go there and verify the whereabouts of the two guns, to which Davis stated her grandfather was going through surgery and not likely able to meet with me. This statement appeared false, given I had just spoken to her grandfather.

10. I asked Davis if she had gone to Lost Nation Gun Shop by herself or with someone else, to which she said she had a "driver." Davis explained the driver was her cousin, but claimed she did not recall her cousin's name because she "smoked too much weed." Davis later said her cousin's name is "Crystal." Davis stated they also went to M&R Guns and Ammo where she bought another gun with U.S. currency. Davis continued to claim the Glock, model 43 pistol recovered in Rhode Island had been stolen from her, stating it was in a backpack along with a quarter of one ounce of marijuana at a party when an unknown individual allegedly stole the bag after she left it in a room. Davis stated she does not recall things well because she is a regular user of marijuana, calling herself a "pot head." Davis stated she reported the firearm

stolen the day following its theft at the party; however she reported the firearm stolen on May 11, 2022, three days after it had already been recovered by police in Rhode Island.

11. Davis continued to claim the two pistols were at her grandfather's residence. I did not believe her statements and informed Davis that I had already been to the residence and spoken with her grandfather before coming to her apartment and would be heading there to follow up with him to verify her claim the guns were being stored there. I advised Davis it was going to be a "big problem" if the pistols were not at her grandparents' residence as she claimed. Davis stated, "they're not even there honestly." Davis claimed the guns were in a "safe spot" with another individual but refused to tell me who had possession of them or where they were being stored. Davis stated she needed to call up this person and set up a time and arrangement to reacquire the handguns and display them to me.

12. On August 26, 2022, Davis contacted me stating she was having a hard time getting the firearms back as the person who had them was not responding to her. Davis continued to refuse to provide the individual's name or information.

13. On September 6, 2022, I met with Davis at her apartment in Enosburg after she reported obtaining one of the pistols back from the unknown individual. I took custody of the pistol, a Glock model 42, .380 caliber semi-automatic pistol, serial # AGAX929 purchased from Lost Nation Gun Shop on May 21, 2022. Davis still refused to provide the name of the individual who had possession of the third Glock pistol she had purchased.

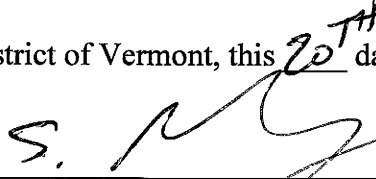
14. On December 12, 2022, I was contacted by Saint Albans Police Officer Michael Fuller who advised he had information about a recent burglary in which several firearms were taken. According to Officer Fuller, a suspect vehicle was captured on a neighbor's home

surveillance system and later identified as belonging to Davis's boyfriend. Upon locating the vehicle, police observed mail belonging to Harley Davis inside, suggesting Davis may have used the vehicle at some point.

#### CONCLUSION

15. Based on the information provided above, there is probable cause to believe that Harley Davis made false statements on ATF Forms 4473 by asserting that she was the actual purchaser of the three described firearms when, in fact, she was purchasing the firearms for members of a drug distribution network operating in Vermont. I submit there is probable cause for the issuance of a complaint against Davis for violations of 18 U.S.C. § 922(a)(6).

Dated at Burlington, in the District of Vermont, this 20<sup>th</sup> day of December, 2022.

  
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Special Agent Scott Murray  
Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to and subscribed before me this 20<sup>th</sup> day of December, 2022.

  
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Kevin J. Doyle  
United States Magistrate Judge